

PRELIMINARY MINUTES

Notice was duly published October 25, 2016 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on November 1, 2016 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. Chairman Schram stated that a copy of the Nebraska Open Meetings Act is posted in the meeting room and invited the public to address the Commission. No public comments were received. Chairman Schram announced that the Nebraska Public Service Commission hired a new employee, Kea Morovitz.

Attention was called to the following proceedings:

Tuesday, November 1, 2016:

1:30 Commission Hearing Room, Lincoln
911-002 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Commissioner Jerry Vap presiding as Hearing Officer.

Wednesday, November 2, 2016:

10:00 Commission Hearing Room, Lincoln
B-1918 In the Matter of Dietrick Crittenden dba Quickie Transportation, seeking to institute a new service as a contract carrier over irregular routes in the transportation of passengers by van between points in Douglas County under contract with the Nebraska Department of Health and Human Services. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Crystal Rhoades presiding as Hearing Officer.

10:30 German American Society
3717 S- 120th Street
Omaha, NE 68144
C-4797/
911-064/
PI-199 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate critical underground facility issues in Nebraska. Commissioner Crystal Rhoades presiding as Hearing Officer:

Friday, November 4, 2016:

1:30 Commission Hearing Room, Lincoln
NIEF Advisory Board Meeting

Tuesday, November 8, 2016:

10:00 Commission Hearing Room, Lincoln
Commission Meeting

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1:30 Commission Hearing Room, Lincoln
 Rule and In the Matter of the Commission, on its own motion, seeking
 Regulation to amend Title 291, Chapter 7, Transmission Lines Rules and
 #198 Regulations, to adopt the 2017 edition of the National
 Electrical Safety Code as the official rules of the
 Commission for the construction, operation, and maintenance
 of overhead and underground electric transmission lines.
 Commissioner Rod Johnson presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

AD-630r In the Matter of the Application of Smartcall Media Inc.,
 Newark, California, seeking authority to register the
 connection of an automatic dialing-announcing device in Los
 Angeles, California; and

AD-631r In the Matter of the Application of Smartcall Media Inc.,
 Newark, California, seeking authority to register the
 connection of an automatic dialing-announcing device in New
 York, New York: Motion made by Commissioner Rod Johnson,
 seconded by Commissioner Crystal Rhoades, to enter orders granting
 applications AD-630r and AD-631r. Motion passed with Commissioners Rod
 Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap
 voting AYE.

Appl. #15861 Applicant requested a waiver of the five year waiting
 period due to a change in impairment: Motion made by
 Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to
 approve the waiver. Motion passed with Commissioners Rod Johnson,
 Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

C-3206 In the Matter of the Commission, on its own motion, to
 administer the Nebraska Internet Enhancement Fund (NIEF).
 Cullen Robbins informed the Commission that the NIEF Advisory Board
 will be meeting Friday, November 4, 2016, at 1:30 p.m. in the
 Commission Hearing Room, Lincoln.

Cullen Robbins informed the Commission of the
 telecommunications complaints and outages received by the
 Communications Department during the preceding month, as reflected in
 the following table:

| Telephone Company | City | Outage Date | Outage Time | Completion Date | Completion Time | Duration Hrs:Min :Sec | Cause of Outage | Number of Access Lines | |
|--------------------|----------------|---------------------------|-------------|---------------------------|-----------------|-----------------------|-------------------------------------|------------------------|---------------|
| CenturyLink | Omaha | 10/1/2016 | 12:27 | 10/1/2016 | 21:42 | 9:15:00 | FAA Circuit is out | 1 | Replaced Card |
| American Broadband | All CLEC areas | 10/4/2016 | 9:45 | 10/4/2016 | 10:20 | 0:35:00 | Loss of power to the network switch | 2500 | |

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COMMUNICATIONS DEPARTMENT (Cont.)

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|--------------------|-----------------------------|----------------------------|-------|----------------------------|-------|----------|------------------------------|------|---|
| CenturyLink | Grand Island | 10/4/2016 | 12:50 | 10/4/2016 | 13:30 | 0:40:00 | Damaged Cable | 170 | Techs Spliced 900 Pair Copper Cable. |
| American Broadband | Wayne | 10/11/2016 | 1:37 | 10/11/2016 | 4:00 | 2:23:00 | Power Failure | 1435 | |
| Great Plains | Woodlake | 10/11/2016 | 14:45 | 10/11/2016 | 14:46 | 0:01:00 | Router Issue - Internet Only | 71 | |
| CenturyLink | Axtell | 10/13/2016 | 1:34 | 10/13/2016 | 2:44 | 1:10:00 | Switch not processing toll | 147 | |
| Great Plains | Fremont, Herman, North Bend | 10/17/2016 | 19:15 | 10/17/2016 | 20:05 | 0:50:00 | Alcatel Mux Clock Card | 1000 | Voice/Long Distance |
| CenturyLink | Fremont | 10/19/2016 | 6:45 | 10/19/2016 | 11:00 | 4:15:00 | Damaged Cable | 281 | Human Error - Public |
| CenturyLink | Sidney | 10/21/2016 | 14:30 | 10/22/2016 | 3:30 | 13:00:00 | Cable Cut | 853 | Locates were accurate - Contractor cut 1200 Pair cable with Backhoe |
| CenturyLink | Broken Bow | 10/24/2016 | 20:00 | 10/25/2016 | 16:00 | 20:00:00 | Cable Cut | 126 | Human Error - Contractor |
| Great Plains | Imperial | 10/26/2016 | 22:00 | 10/26/2016 | 23:00 | 1:00:00 | ESA Device went down | 1182 | |

Cullen Robbins informed the Commission of the updated Area Code Exhaust projections. The 308 Area Code projected exhaust date is the 2nd quarter of 2023, and the projected 402/531 Area Code exhaust date is beyond 30 years, so no projected exhaust date exists.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Sue Vanicek informed the Commission that the next Wireless E-911 Advisory Board meeting has been scheduled for Monday, December 5, 2016, at 11:00 a.m. at the Region 26 Offices, 402 - 4th Street, Taylor, NE.

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RULES AND REGULATIONS

Rule and Regulation #196 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to adopt the 2015 editions of applicable code books and update related provisions, remove rules regarding alternating tread devices, and update language regarding engineering service fees. Commissioner Tim Schram presiding as Hearing Officer; and

Rule and Regulation #197 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 11, Automatic Dialing-Announcing Devices Rules and Regulations, to review the rules and update and clarify provisions of the rules. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order issuing certificate of adoption for proposed rules in Rule and Regulation #196 and Rule and Regulation #197. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1695 In the Matter of Kevin M. Jones, d/b/a Jone-Z Party Bus, Omaha. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an order to show cause and setting a hearing. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

B-1780 In the Matter of MTBW, LLC d/b/a TherAnBac, North Platte, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service in open class service, and in charter bus service between points in Lincoln County, and between points in Lincoln County, on the one hand, and, on the other hand, points in Nebraska over irregular routes;

B-1805 In the Matter of Millard Plaza Party Bus, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by special party and charter bus between points in Nebraska over irregular routes: to enter an order of pending dismissal;

B-1866 In the Matter of Russ Bus, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by special party and charter bus between all points in Nebraska over irregular routes;

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TRANSPORTATION DEPARTMENT (Cont.)

B-1872 In the Matter of Luckie's Distribution, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus between all points in Nebraska over irregular routes; and

M-14227 In the Matter of Magnificent Movers, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between all points in Nebraska over irregular routes: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders of pending dismissal for dockets B-1780, B-1805, B-1866, B-1872, and M-14227. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

M-14206 In the Matter of James Dunbar, Jr. d/b/a Little Nate's Moving, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods within the state of Nebraska over irregular routes: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an order dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

BR-506/
B-1705 In the Matter of Champion Homes of Hastings, LLC, Hastings, Nebraska, seeking to amend its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting rates on emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Chairman Schram invited the public to address the Commission. No public comments were received.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

| | | |
|--------------------------------------|----|----------|
| Central Finance-OCIO-Network Charges | \$ | 3,426.54 |
| Ted Burkey | | 3,115.00 |
| Hewlett Packard | | 1,521.66 |
| Mark Luttich | | 674.40 |
| Kent Pribyl | | 568.62 |
| Tim Schram | | 587.52 |
| Gerald Vap | | 761.40 |

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GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission Minutes for September, 2016. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to purchase a 2017 Chevrolet Equinox for the State 911 Department. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to purchase two 2017 Chevrolet Impalas to replace a vehicle in the Grain Warehouse Department and a vehicle in the Motor Transportation Department. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to enter into an Independent Contractor Agreement with Ken Stadler, R.A., for the performance of manufactured home and modular housing unit plan review, effective November 30, 2016. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve the contract between Blue Ridge Consulting Services, Inc., and the Nebraska Public Advocate, effective October 7, 2016. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Crystal Rhoades voting NAY.

The Commission recessed at 10:20 a.m.

The Commission reconvened at 10:34 a.m., with Commissioners Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused.

Representatives from Black Hills Energy gave a presentation to the Commission.

Commissioner Rod Johnson re-entered the meeting at 10:36 a.m.

Commissioner Rod Johnson left the meeting at 10:52 a.m.

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GENERAL ADMINISTRATION (Cont.)

Commissioner Rod Johnson re-entered the meeting at 10:52 a.m.

Commissioner Crystal Rhoades left the meeting at 11:09 a.m.

The meeting adjourned at 11:23 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on November 8, 2016 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on November 7, 2016.

Chairman

Executive Director